

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

SHEILA C. GEHLMANN

Plaintiff

vs.

MRS ASSOCIATES, INC.

Defendant.

) Case Number
)
)
)
) CIVIL COMPLAINT
)
)
) JURY TRIAL DEMANDED
)
)

08 cv 1830 (NLH)

COMPLAINT AND JURY DEMAND

COMES NOW, Plaintiff, Sheila C. Gehlmann, by and through his undersigned counsel, Warren, Vullings & Vassallo, LLP, complaining of Defendant, and respectfully avers as follows:

I. INTRODUCTORY STATEMENT

1. Plaintiff, Sheila C. Gehlmann (hereinafter "Plaintiff"), is an individual consumer and brings this action for actual and statutory damages and other relief against Defendant for violations to the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive and unfair practices.

II. JURISDICTION

2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §1337.

3. Venue in this District is proper in that the Defendant transacts business here and the conduct complained of occurred here.

III. PARTIES

4. Plaintiff is an adult individual and citizen of the State of Colorado, residing at 9087 S. Yosemite Street, Lone Tree, Colorado, 80124-2996.

5. Defendant, MRS Associates ("Defendant"), at all times relevant hereto, is and was a corporation engaged in the business of collecting debt within the State of New Jersey with its principal place of business located at 3 Executive Campus, Suite 400, Cherry Hill, New Jersey 08002.

6. Defendant is engaged in the collection of debts from consumers using the mail. Defendant regularly attempts to collect consumer debts alleged to be due to another. Defendant is a "debt collector" as defined by the FDCPA, 15 U.S.C. §1692a(6).

IV. FACTUAL ALLEGATIONS

7. Recently, plaintiff has started receiving harassing calls from defendant relative to a purported consumer debt from Chase Bank USA, N.A.

8. Plaintiff has requested in writing and verbally from defendant a validation and verification of the debt, to no avail.

9. Plaintiff, who at all times pertinent hereto, was self-employed, has been receiving calls 3 and 4 times each day seeking payment of the alleged debt. These calls prevent her from engaging in business operations and cause considerable disruption.

10. Plaintiff has continually requested that defendant not call her workplace, but the calls persist unrelentingly. On one occasion, "Christopher", told plaintiff she had to pay the debt right away if she wanted to resolve the matter on a "voluntary basis", thus implying legal action to coerce payment of the subject debt. When plaintiff requested his fax number, he rudely told her he "didn't have time for nonsense".

11. Defendant's rude, and harassing calls to plaintiff are violations of the FDCPA.

12. Despite plaintiff's request that defendant stop calling her and communicate via regular mail, the calls persist and have caused plaintiff considerable upset, and an exacerbation of health problems she has been trying to manage for some time. These calls have caused significant documented health setbacks that plaintiff should not have to endure because of defendant's harassment and otherwise unlawful collection tactics.

13. Defendant's serial telephone calls, rude, harassing and heavy-handed strategies and veiled threats of litigation are violations of the FDCPA.

COUNT I

FDCPA VIOLATION 15 U.S.C. § 1692 et seq.

14. The above paragraphs are hereby incorporated herein by reference.

15. Defendant violated the FDCPA. Defendant's violations include, but are not limited to, the following:

a. 15 U.S.C. 1692c(10), in that Defendant used false representations or deceptive means to collect or attempt to collect the alleged debt as stated more clearly above.

b. 15 U.S.C. 1692c(11), in that Defendant failed to state in a series of telephone calls that it was a debt collector attempting to collect a debt and that any information obtained would be used for that purpose.

c. 15 U.S.C. 1692d, in that Defendant engaged in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff in connection with the collection of a debt.

16. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for a declaratory judgment that Defendant's conduct violated the FDCPA, actual damages, statutory damages, attorney's fees and costs and other appropriate relief, pursuant to 73 P.S. § 201 9.2.

WHEREFORE, Plaintiff respectfully requests that this court enter judgment in her favor and against Defendant and Order the following relief:

- a. Declaratory judgment that the Defendant's conduct violated the FDCPA;
 - b. Actual damages;
 - c. Statutory damages pursuant to 15 U.S.C. §1692k;
 - d. Reasonable attorney's fees and costs of suit pursuant to 15 U.S.C. §1692k;
- and
- e. Such additional and further relief as may be appropriate or that the interests of justice require.

V. JURY DEMAND

Plaintiff hereby demands a jury trial as to all issues herein.

Respectfully submitted,

WARREN, VULLINGS & VASSALLO, LLP

Date: 04/10/08

BY: /s/Bruce K. Warren

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